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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/603,568

Filing Date: June 25, 2003

Appellant(s): CHOI ET AL.

CHOI ET AL.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 05, 2007 appealing from the Office action mailed September 05, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,378,553	Shoji	01-1995
6,132,055	Grisamore et al.	10-2000

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6,499,859	Petzl et al.	12-2002
5,641,220	Sutherland et al.	06-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

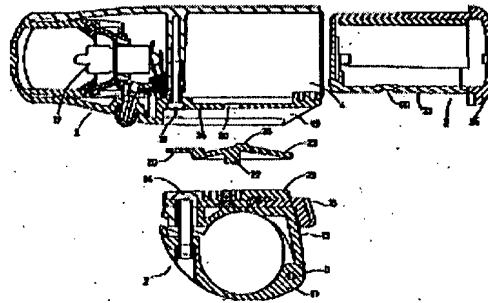
Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

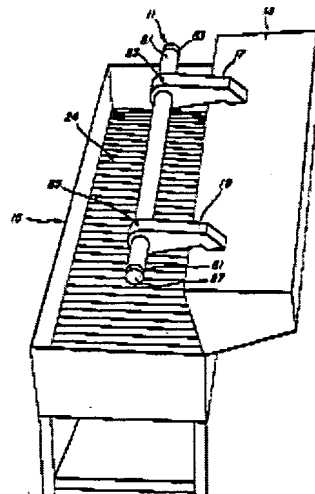
Claims **1, 6, 7, 8, 10, 11 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoji (USPN 5,378,553) in view of Grisamore et al. (USPN 6,132,055).

Regarding claims 1, 6, 7 and 8, Shoji disclose a fixture (1) having a first mating member (11), the fixture being fabricated to be secured to the handle (e.g., column 3, line 9), a removable first pod (1) having an illumination device (17) and a second mating member (13), the second mating member of the first pod removably engaging the first mating member of the fixture to removably secure the first pod to the fixture.



Shoji discloses the claimed invention, except for the housing has a first connector to specifically secure the housing to a grill. However, reference Shoji suggests that the illumination device may be removably attached to the handle or the like (e.g., column 3, line 9).

Grisamore et al. teaches a light (having an upper member and a lower member defining a cooking chamber, the cooking chamber having a cooking grid, the upper member covering the lower member in a closed position ... etc) where the handle (21) itself is a light-containing tube that provides lighting for the grill, which shows motivation of need to illuminate cooking surface of the grill. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize apparatus of Shoji onto the barbecue grill lid handle of Grisamore et al. to illuminate the cooking area.



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Note: Claims in a pending application should be given their broadest reasonable interpretation. *In re Pearson*, 181 USPQ 641 (CCPA 1974).

Things clearly shown in reference patent drawing qualify as prior art features, even though unexplained by the specification. *In re Mraz*, 173 USPQ 25 (CCPA 1972).

Regarding claim 10, Shoji in view of Grisamore et al. discloses the claimed invention, explained above. In addition, Shoji discloses the first mating member depending from the fixture is one of a male protrusion or a female receiver, and wherein the second mating member depending from the pod is the other of the male protrusion or female receiver.

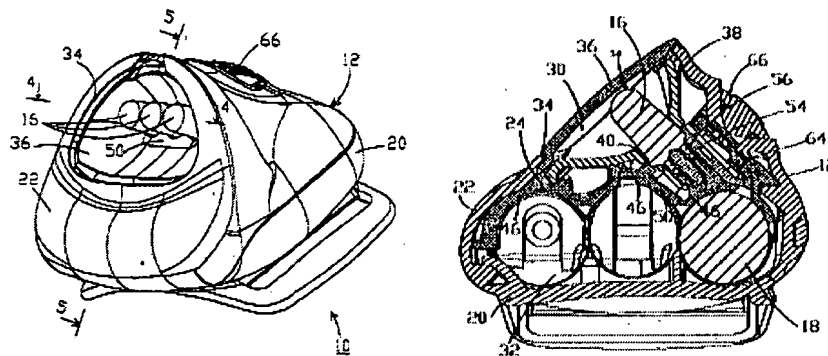
Regarding claim 11, Shoji in view of Grisamore et al. discloses the claimed invention, explained above. In addition, Shoji discloses the male protrusion and the female receiver mate in a frictional fit to secure the pod to the fixture.

Regarding claim 12, Shoji in view of Grisamore et al. discloses the claimed invention, explained above. In addition, Shoji discloses one of the male protrusions and the female receiver has a stop to position the pod on the fixture.

Claims 2, 9, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoji (USPN 5,378,553) in view of Grisamore et al. (USPN 6,132,055) as applied to claim 1 above, and further in view of Petzl et al. (USPN 6,499,859).

Regarding claims 2, 9, and 13, Shoji in view of Grisamore et al. discloses the claimed invention, explained above. Shoji lacks specific teachings of a manual switch, however drawing Figures 1 of Shoji clearly shows a manual switch electrically connected to the internal power source to control illumination of the device.

Also, Petzl et al. teaches the common manual switch that is utilized for a portable lighting lamp.

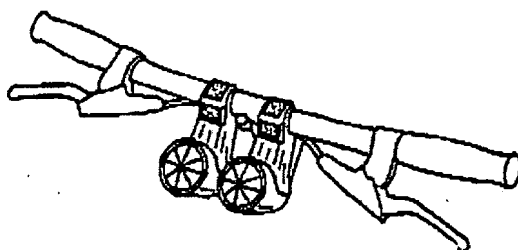


It would have been obvious to one of ordinary skill in the art at the time of the invention to modify teachings of Shoji with Petzl et al. to include a switch member to operate the lighting means under user's control.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoji (USPN 5,378,553) in view of Grisamore et al. (USPN 6,132,055) as applied to claim 1 above, and further in view of Sutherland et al. (USPN 5,641,220).

Regarding claim 3, Shoji in view of Grisamore et al. discloses the claimed invention, except for an additional or second lighting device that is in connection with the first lighting device as described above.

Sutherland et al. teaches multiple or two lighting device that is in connection with the first light device (Figure 11).



It would have been obvious to one of ordinary skill in the art at the time of the invention to provide additional or second housing member in connection with the first

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lighting device as taught by Southerland et al. to provide even great illumination in varying positions. In addition, it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 4, Shoji in view of Grisamore et al. and Sutherland et al. discloses the claimed invention, explained above. In addition, Sutherland et al. discloses the first pod has a first internal power source and a first switch to independently manipulate illumination of the illumination device of the first pod, and wherein the second pod has a second internal power source and a second switch to independently manipulate illumination of the illumination device of the second pod.

Regarding claim 5, Shoji in view of Grisamore et al. and Sutherland et al. discloses the claimed invention, explained above. In addition, Sutherland et al. discloses the fixture has a handle portion (handle bar) between the first pod and the second pod.

Claims **15-18, 21, 22-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoji (USPN 5,378,553) in view of Grisamore et al. (USPN 6,132,055) and Petzl et al. (USPN 6,499,859).

Regarding claims 15, 23, 24 & 26, Shoji discloses a housing (Figure 1) having a connector (e.g., 11, 13) to secure the housing to the handle and having a first mating member (11), a removable first pod (1) having an illumination device and a second mating member (13), the second mating member of the first pod removably connecting the first mating member of the housing to removably secure the first pod to the housing,

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the first pod having an independent internal power source (3) located within the first pod for illuminating the illumination device of the first pod (1).

Shoji lacks specific teachings of the housing being attached to the grill & details of a manual switch. However, reference Shoji suggests that the illumination device may be removably attached to the handle or the like (column 3, line 9) & drawing Figures 1 of Shoji clearly shows a manual switch electrically connected to the internal power source to control illumination of the device.

Grisamore et al. teaches a light where the handle (21) itself is a light-containing tube that provides lighting for the grill, which shows motivation of need to illuminate cooking surface of the grill. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize apparatus of Shoji onto the barbecue grill lid handle of Grisamore et al. to illuminate the cooking area.

Petzl et al. teaches the common manual switch that is utilized for a portable lighting lamp. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify teachings of Shoji with Petzl et al. to include a switch member to operate the lighting means under user's control.

Note: It has been held that the recitation that an element is "*adapted to*" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Regarding claim 16, Shoji in view of Grisamore et al. & Petzl et al. discloses the claimed invention, explained above. In addition, Shoji discloses the second mating member of the first pod slidingly engages (14) the first mating member of the housing to removably connect the first pod to the housing.

Regarding claims 17 & 21, Shoji in view of Grisamore et al. & Petzl et al. discloses the claimed invention, explained above. In addition, Petzl et al. discloses the illumination device comprises a plurality of light emitting diodes (16).

Regarding claim 18, Shoji in view of Grisamore et al. & Petzl et al. discloses the claimed invention, explained above. In addition, Shoji discloses the light bulb of the illumination device utilizes reflector and lens member to directionally focus in varying positions.

Regarding claim 22, Shoji in view of Grisamore et al. & Petzl et al. discloses the claimed invention, explained above. In addition, Shoji discloses the first mating member removably engages the second mating member without hardware.

Regarding claim 25, Shoji in view of Grisamore et al. & Petzl et al. discloses the claimed invention, explained above. In addition, Shoji discloses an extension depends from the housing, and wherein the extension has a first connector the secure the extension to a surface.

Claims **19 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoji (USPN 5,378,553) in view of Grisamore et al. (USPN 6,132,055) and Petzl et al. (USPN 6,499,859) as applied to claim 15 above, and further in view of Sutherland et al. (USPN 5,641,220).

Regarding claim 19, Shoji in view of Grisamore et al. & Petzl et al. discloses the claimed invention, except for an additional or second lighting device that is in connection with the first lighting device as described above.

Sutherland et al. teaches multiple or two lighting device that is in connection with the first light device (Figure 11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide additional or second housing member in connection with the first to provide even great illumination in varying positions. In addition, it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

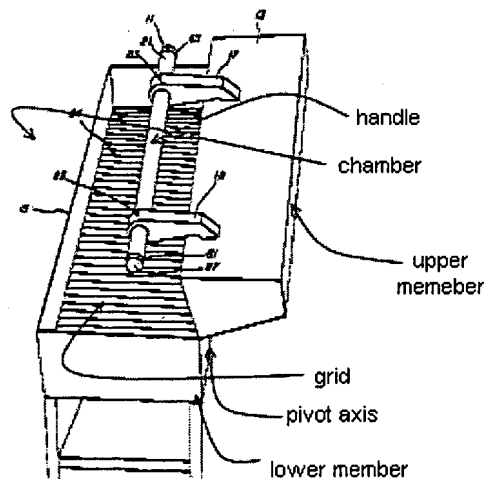
Regarding claim 20, Shoji in view of Grisamore et al. & Petzl et al. and in further in view of Sutherland et al. disclose the claimed invention, explained above. In addition, Shoji discloses housing has a handle portion (column 3, line 9) for grasping by the user, the handle portion located between the first pod and the second pod when first and second pods are removably secured to the housing.

Claims 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoji (USPN 5,378,553) in view of Grisamore et al. (USPN 6,132,055) and Petzl et al. (USPN 6,499,859) and further in view of Sutherland et al. (USPN 5,641,220).

Regarding claims 27 & 30, Shoji discloses a housing (Figure 1) having a first mating member (11), a removable first pod (1) having an illumination device and a second mating member (13), the second mating member of the first pod removably connecting the first mating member of the housing to removably secure the first pod to the housing, the first pod having an independent internal power source (3) located within the first pod for illuminating the illumination device of the first pod (1).

Shoji lacks teachings of the housing being attached to the grill, details of a manual switch & an additional or second lighting device that is in connection with the first lighting device as described above. Shoji suggests that the illumination device may be removably attached to the handle or the like (column 3, line 9) & drawing Figures 1 of Shoji clearly shows a manual switch electrically connected to the internal power source to control illumination of the device.

Grisamore et al. discloses (*admitted applicant's prior art*) a light having an upper member and a lower member defining a cooking chamber, the cooking chamber having a cooking grid, the upper member covering the lower member in a closed position, where the handle (21) itself is a light-containing tube that provides lighting for the grill.



Grisamore et al. teaches a light where the handle (21) itself is a light-containing tube that provides lighting for the grill, which shows motivation of need to illuminate cooking surface of the grill. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize apparatus of Shoji onto the barbecue grill lid handle of Grisamore et al. to illuminate the cooking area.

Petzl et al. teaches the common manual switch that is utilized for a portable lighting lamp. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify teachings of Shoji with Petzl et al. to include a switch member to operate the lighting means under user's control.

Sutherland et al. teaches multiple or two lighting device that is in connection with the first light device (Figure 11). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide additional or second housing member in connection with the first to provide even great illumination in varying positions. In addition, it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 28, Shoji in view of Grisamore et al. & Petzl et al. and further in view of Sutherland et al. discloses the claimed invention, explained above. In addition, Sutherland discloses the second mating members of the first and second pods slidably engage the respective first mating members of the housing to independently removably connect the first and second pods to the housing.

Regarding claim 29, Shoji in view of Grisamore et al. & Petzl et al. and further in view of Sutherland et al. discloses the claimed invention, explained above. In addition, Petzl et al. discloses the illumination devices of the first and second pods comprises a plurality of light emitting diodes.

(10) Response to Argument

In response to Appellant's argument, heading "A", Appeal Brief filed February 05, 2007 have been fully considered but they are not persuasive. The Examiner confidently stands behind his reasons for the prior art rejection(s) and his supervisor(s) approves Examiner's conclusions regarding the patentability of claims 1-13 and 15-30 over Shoji (USPN 5,378,553) and Grisamore (USPN 6,132,055) in view of various other prior art during appeal conference. The Examiner has provided clear motivation to combine Shoji and Grisamore, which was stated in the Final Office Action, filed on September 05, 2006 and will be further clarified and explained here after.

In response to Appellant's argument, heading "1", that Shoji is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). Also see *In re Deminski*, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986); *In re Clay*, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992) ("A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem."); *Wang Laboratories Inc. v. Toshiba Corp.*, 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993); and *State Contracting & Eng 'g Corp. v. Condotte America, Inc.*, 346 F.3d 1057, 1069, 68 USPQ2d 1481, 1490 (Fed. Cir. 2003) (where the general scope of a reference is outside the pertinent field of endeavor, the reference may be considered analogous

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art if subject matter disclosed therein is relevant to the particular problem with which the inventor is involved). In this case, Shoji deals with a lamp for bicycles and motorcycles, where the lamp casts visible radiant energy in at least forward direction to render roads or objects in that direction visible. Similarly, Grisamore et al. deals with a handle assembly for light includes an integral light(s) positioned to shine upon the cooking surface when the lid has been so positioned as to expose the cooking surface. The following references were properly used against claims 1-13 and 15-30 because it is reasonable and pertinent to the particular problem which the inventor was concerned, to cast visible radiant energy in at least one direction to render objects in that direction visible. The Examiner is not restricted to consider references that only deal with lighting fixtures for grills but to consider all other prior arts that are pertinent to the particular problem.

In response to Appellant's argument, heading "a" & "b", that Shoji is not within the same field of endeavor as the claimed invention, in the mechanical art, the court upheld the Board's interpretation of the claim term "hair brush" to encompass any brush that may be used for any bodily hair, including facial hair. 381 F.3d at 1323-24, 72 USPQ2d at 1211. With this claim interpretation, the court applied the "field of endeavor test" for analogous art and determined that the references were within the field of applicant's endeavor and hence was analogous art because toothbrushes are structurally similar to small brushes for hair, and a toothbrush could be used to brush facial hair. 381 F.3d at 1326, 72 USPQ2d at 1212. In this case, Shoji suggest removable illumination device being attached to the elongated handle/bar (e.g., column 3, lines 5-15; "... A bracket 7

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includes attaching pieces 11 and 13 rotatable around a pin 9, a bolt 14 for fastening these attaching pieces, an attaching rubber 12 for fixing the bracket 7 rigidly on a handle or the like of a bicycle"). Grisamore et al. teaches a light, where the handle (e.g., 21) itself is a light-containing tube that provides lighting for the grill, which shows structural similarity with the handle of Shoji and "field of endeavor test" is satisfied.

In response to Appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, the illumination device of Shoji provides mechanical bracket to removably attach to the handle/bar of the bicycle, where the device is most useful as the user steers the bicycle in traveling direction and to cast visible radiant energy in that direction. Now, that problem solving idea can be similarly applied to the handle of the barbecue grill of Grisamore et al., benefiting from the mechanical bracket that can be directed or positioned to the cooking area to cast visible radiant energy. It is critical to see and understand that one in ordinary skill in the art would cast visible radiant energy in desired and needed direction, how a different body (e.g., bicycle/grill) may alter the orientation of the illumination device compare to one another is irrelevant in solving the problem. There is no significant structural difference between a bicycle handle and a grill handle that would apart filed of endeavor as the claimed invention.

In response to Appellant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., "... while grill handle rotate about an axis which is generally parallel to the grill handle ... the axis of rotation for a grill handle is substantially offset from the grill handle") are not recited in the rejected claim(s) (e.g., especially in claims **1, 15 & 31**). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to Appellant's argument, heading "**2**", there is no motivation to combine Shoji with Grisamore, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. In this case, Grisamore et al. suggest necessary need to illuminate the cooking area onto the barbecue grill lid handle and the reference Shoji suggests the details of the illumination device that may be removable relative to the handle or the like (e.g., column 3, line 9). See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In other words, the clear motivation to cast visible radiant energy to the cooking surface of the barbecue when the barbecue lid has been opened was taught in the prior art reference, Grisamore et al. One cannot show nonobviousness by attacking references, Shoji, individually where the rejections are based on combination references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Although Shoji may fail to describe the illumination device being used in cooking

device environment, the motivation was well taught by Grisamore, and the reconstruction is made possible due to structural similarity of the handle of both Shoji and Grisamore. See *KSR Int'l co. v. Teleflex, Inc.*, No 04-1350 (U.S. Apr. 30, 2007). To further clarify, the modification is reasonable and pertinent to the particular problem where the both references solve the same problem by providing an illumination where it needs, by casting visible radiant energy in at least one direction to render objects in that direction visible.

In response to argument, "*Grisamore actually teaches away from attaching alight to the exterior of a grill handle*", (e.g., see page 19 of Appeal Brief) it is noted that column 1, lines 10-20; "... *Description of Related Art ... Some approaches have included the provision of a tripod with lights mounted on it, the attaching of a light to a nearby post or wail, or the attaching of a clamp-on bendable extension light to a nearby tray or other physical object*" recites what was well known in the art at the time Grisamore et al. came up with less cumbersome, awkward and expensive lighting arrangement. To further explain, Grisamore do not teach away from the modification but states what was old and well known. In fact, this passage provides an additional support behind the Examiner's modification between two prior art references, where the similar mounting member (e.g., 7) of Shoji is described in the passage. Thus, Grisamore contains a positive motivation to combine Shoji with a barbecue grill handle to arrive at the present invention.

The Examiner did not simply modify references Shoji and Grisamore because a handle is a handle but considered the scope and contents of the prior art, asserted the

differences between the prior art and the claims in issue, resolved the level of ordinary skill in the pertinent art, and evaluating evidence of secondary consideration as explained above. Therefore, the Examiner's rejections of claims 1-13 and 15-30 should not be overruled.

In response to Appellant's argument, heading "3", the art cited by the Examiner indicates that others have failed to make the combination suggested by the Examiner, it is noted that other have failed to receive a valid patent on applicant's claimed invention because the modification was well know when Grisamore et al. patent was issued (e.g., column 1, lines 10-20) and the modification is obvious now as evidence shown by the Examiner. Others have already developed a light fixture for a barbecue grill, which is cumbersome, awkward, and expensive as column 1, lines 10-20 as Grisamore states. For this reason, Grisamore has taught a barbecue grill handle that includes a built in light fixture (e.g., Figures 1, 2, 4, 5 and 9) that is less cumbersome, awkward, and/or expensive.

In response to Appellant's argument, heading "B", claims 3-5, 19-20 and 27-29 are not obvious over Sutherland, it is noted that the rationale to modify or combine the prior art does not have to be expressly stated in the prior art; the rationale may be expressly or impliedly contained in the prior art or it may be reasoned from knowledge generally available to one of ordinary skill in the art, established scientific principles, or legal precedent established by prior case law. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). See also *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000)

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(setting forth test for implicit teachings); *In re Eli Lilly & Co.*, 902 F.2d 943, 14 USPQ2d 1741 (Fed. Cir. 1990) (discussion of reliance on legal precedent); *In re Nilssen*, 851 F.2d 1401, 1403, 7 USPQ2d 1500, 1502 (Fed. Cir. 1988) (references do not have to explicitly suggest combining teachings); *Ex parte Clapp*, 227 USPQ 972 (Bd. Pat. App. & Inter. 1985) (examiner must present convincing line of reasoning supporting rejection); and *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993) (reliance on logic and sound scientific reasoning). In this case, reference Shoji and Grisamore et al. were further modified by in view of Sutherland. Sutherland teaches multiple or two lighting device that is in connection with the first light device (Figure 11). The final office action states, "...*It would have been obvious to one of ordinary skill in the art at the time of the invention to provide additional or second housing member in connection with the first lighting device as taught by Southerland et al. to provide even great illumination in varying positions*". Reference Sutherland is an analogous art because it relates to a significantly the same problem that the claimed invention, as explained above. For further support, the Examiner states a legal precedent established by prior case law, *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8, (it has been held that mere duplication of the essential working parts of a device involves only routine skill). Therefore, the Examiner's rejections of claims 3-5, 19-20 and 27-29 should not be overruled.

In response to Appellant's argument, heading "C", the art cited by the Examiner. does not disclose all of the limitations of claim 3, it is noted that the features upon which applicant relies (i.e., "*a single fixture*") are not recited in the rejected claim(s). Although

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the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the Examiner's rejections of claim 3 should not be overruled.

In response to Appellant's argument, heading "D", the art cited by the Examiner does not disclose all of the limitations of claims 4 and 19, it is noted that reference Southerland et al. states in column 8, lines 30-40; "... *One of the headlamps can be provided with a six-watt low beam light bulb, and the other headlamp can contain a ten-watt high beam light bulb. Each of the headlamps is connected to the external battery pack, and can be selectively turned on and off through the switch located at the bottom of the housing*". The following passage clearly discloses the limitations of claims 4 and 19 because even without the cumbersome second power source, the headlamps can selectively turn on and off through the individual switch. The second power source does not solve any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a single power source (e.g., 110). Also, It has been held that mere duplication of the essential working parts of a device involves only routine skill, *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Therefore, the Examiner's rejections of claims 4 and 19 should not be overruled.

In response to Appellant's argument, heading "E", the art cited by the Examiner does not disclose all of the limitation of claims 5 and 20, it is noted that the claim recites "... *the fixture has a handle portion between the first pod and the second pod*". Claims in a pending application should be given their broadest reasonable interpretation. *In re*

Pearson, 181 USPQ 641 (CCPA 1974). In this case, the examiner has reasonably interpreted the handle bar being the handle portion between the first and the second pod (e.g., Figure 11). The prior art reference discloses the limitations of claims 5 and 20, therefore, the Examiner's rejections of claims should not be overruled.

In response to Appellant's argument, heading "F", the art cited by the Examiner does not disclose all of the limitations of claims 15 and 27, it is noted that the features upon which applicant relies (i.e., "*modular first and second mating members*") are not recited in the rejected claim(s). The claims recite a modular light comprising (e.g., "an open end term") a removable first pod and a removable second pod. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In this case, claim 27 was rejected further in view of Sutherland, where the reference teaches multiple or two lighting device that is in connection with the first light device (Figure 11). For further support, the Examiner states a legal precedent established by prior case law, *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8, (it has been held that mere duplication of the essential working parts of a device involves only routine skill). In addition, it would have been obvious to make the first pod and second pod to be modular, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893). Therefore, the Examiner's rejections of claims 15 and 27 should not be overruled.

(11) Related Proceeding(s) Appendix

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Art Unit: 2885

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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May 21, 2007

JY.

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SUPERVISORY PATENT EXAMINER

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